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10/556,010	11/08/2005	Amjad Soomro	PHUS030115	4562
24737	7590	08/18/2008	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			KAO, JUTAI	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2616	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/556,010	SOOMRO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JUTAI KAO	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,11,17 and 18 is/are rejected.
- 7) Claim(s) 2,4-10,12-16 and 19-22 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 November 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ .   | 6) <input type="checkbox"/> Other: ____ .                         |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the drawing does not include text label of each of the numbered elements. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-22 are objected to because of the following informalities.

At the end of line 7 of claim 1, following “for a given type (405) of network element”, a comma should be inserted.

Regarding claims 1-22, all labeling of parts (such as “Measurement Request (406)”) within the claims should be removed.

Regarding claim 11, line 4 of the claim recites “said Measurement Mode subfield”, wherein the Measurement Mode subfield is introduced as "a Measurement Mode field". The wording should be consistent in order to avoid antecedent basis problem.

Appropriate correction is required.

3. Claims 5 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 4. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Lappetelamen (US 6,671,495).

Lappetelamen discloses a method for transmitting measurement data in a wireless communication system including the following features.

Regarding claim 1, a method for specifying measurement start times (see Start of measurement field in Fig. 4a) in a network Measurement Request Frame (see Frame shown in Fig. 4a, which shows a “measurement request message” column 11, line 13-15), comprising the steps of: formatting the Measurement Request Frame to have a Measurement Request Elements field (see section HS1 and D1 in Fig. 4a) comprising at least one Measurement Request Element (the combination of the HD1 and D1 in Fig. 4a is considered the Measurement Request Element), said at least one Measurement Request Element comprising at least one Measurement Request (see section D1 in Fig. 4a, wherein section D1 is considered the Measurement Request) for a given type of network measurement (see “strength of the radio signal received by the antenna...is measured” recited in the abstract); specifying at least one of a first, second and third prioritized absolute Start Time, respectively, in a corresponding at least one of the Measurement Request Frame, the Measurement Request Elements, and the at least one Measurement Request (see Start of measurement field in D1 of the message shown in Fig. 4a, and see “the time ST of starting of the measurement” recited in column 11, line 20-21; the field represent a prioritized (as being the only start time)

absolute start time corresponding to the Measurement Request Frame, the Measurement Request Elements and the Measurement Request).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lappetelamen in view of Garg (US 2006/0171362).

Lappetelamen discloses the claimed limitations as shown above.

Lappetelamen does not disclose the following features: regarding claim 3, the method further comprises the step of setting said first, second and third Start Time field to one of a time synchronization function timer value and part of a TSF timer value.

Garg discloses a method for scheduling service periods in a wireless local area network including the following features.

Regarding claim 3, the method further comprises the step of setting said first, second and third Start Time field to one of a time synchronization function timer value and part of a TSF timer value (see “the start time is set in the TSF referenced above, and is illustratively set to the low order four bytes of the TSF timer” recited in paragraph [0021]).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Lappetelamen using features, as taught by Garg, in order to perform synchronized operation between the sender and the receiver (see Garg, paragraph [0021], “an absolute time reckoned by the intended one or more QSTA's...clock...synchronized with that of the HC”).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lappetelamen in view of Fishhaut (2008/0109513).

Lappetelamen discloses the claimed limitations as shown above.

Lappetelamen does not disclose the following features: regarding claim 11, the method further comprises the steps of: including in the at least one Measurement Request Element a Measurement Mode field; and step for setting said Measurement Mode subfield to a value that specifies how to interpret the applicable one of the first, second, and third Start Time for starting measurement of the element.

Fishhaut discloses a method of data transfer including the following features.

Regarding claim 11, the method further comprises the steps of: including in the at least one Measurement Request Element (shown in Lappetelamen) a Measurement Mode field (see “fieldType variable comes at the beginning of a FIELD” recited in paragraph [0052]); and step for setting said Measurement Mode subfield to a value that specifies how to interpret the applicable one of the first, second, and third Start Time (shown as the Start Time “ST” field in Lappetelamen Fig. 4a) for starting measurement of the element (see “The fieldType variable...to indicate how to interpret the data that follows” recited in paragraph [0052]).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Lappetelamen using features, as taught by Fishhaut, in order to allow correct interpretation of each field in the received packets.

10. Claim 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lappetelamen in view of Garg and Fishhaut.

Lappetelamen discloses a method for transmitting measurement data in a wireless communication system including the following features.

Regarding claim 17, an apparatus that specifies flexible measurement start times in a network Measurement Request Frame (see access point in Fig. 3; also see “the access point AP1 transmits a measurement request message...” recited in column 11, lines 12-15), comprising: a measurement acquisition circuit (see controller 19 and memory 14 in Fig. 3) that formats the Measurement Request Frame (see frame shown in Fig. 4a) having a Start Time field (see start of measurement field in Fig. 4a) that

specifies the time at which measurement of a first included Measurement Request Element (see combination of HD1 and D1 section of Fig. 4a, which is considered the Measurement Request Element) is to be initiated (see Start of measurement field in D1 of the message shown in Fig. 4a, and see “the time ST of starting of the measurement” recited in column 11, line 20-21); a timer (see oscillator 22 and scheduler 18 shown in Fig. 3); and a control processor (see controller 19), coupled to said measurement acquisition circuit and said timer.

Lappetelamen does not disclose the following features: regarding claim 17, wherein the control processor is configured to set the Start Time field to a value of the timer, and include at least a first Measurement Request Element having a Measurement Mode subfield; and means for the control processor to set said Measurement Mode subfield to a Start value that specifies how to interpret the Start Time for starting measurement of the element; regarding claim 18, wherein said timer value is one of a TSF timer and a part of the value of the TSF timer.

Garg discloses a method for scheduling service periods in a wireless local area network including the following features.

Regarding claim 17, control processor is configured to set the Start Time field to a value of the timer (see “the start time is set in the TSF referenced above, and is illustratively set to the low order four bytes of the TSF timer” recited in paragraph [0021]).

Regarding claim 18, wherein said timer value is one of a TSF timer and a part of the value of the TSF timer (see “the start time is set in the TSF referenced above, and is

illustratively set to the low order four bytes of the TSF timer" recited in paragraph [0021]).

Fishhaut discloses a method of data transfer including the following features.

Regarding claim 17, the control processor is configured to include at least a first Measurement Request Element (shown in Lappetelamen) a Measurement Mode field (see "fieldType variable comes at the beginning of a FIELD" recited in paragraph [0052]); and means for the control processor to set said Measurement Mode subfield to a Start value (shown as the Start Time "ST" field in Lappetelamen Fig. 4a) that specifies how to interpret the Start Time for starting measurement of the element (see "The fieldType variable...to indicate how to interpret the data that follows" recited in paragraph [0052]).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Lappetelamen using features, as taught by Garg and Fishhaut, in order to perform synchronized operation between the sender and the receiver (see Garg, paragraph [0021], "an absolute time reckoned by the intended one or more QSTA's...clock...synchronized with that of the HC") and to correctly interpret each field of the transmitted frames.

#### ***Allowable Subject Matter***

11. Claims 2, 4-14 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 15-16 are allowed over prior art, but claim objections needs to be overcome in order for the claims to be allowed.

The following is a statement of reasons for the indication of allowable subject matter:  
regarding claim 15, the following claim limitations are not shown or be reasonably combined from the closest prior arts (Lappetelamen, Garg and Fishhaut) found.

*An apparatus that formats a Measurement Request Frame having an unambiguous measurement Start Time, comprising: a measurement acquisition circuit (103) that formats the Measurement Request Frame (300) to have a Measurement Request Elements field (305) that comprises at least one Measurement Request Element (400,440) that comprises at least one Measurement Request (406) for a given type (405) of network measurement;*

*a TSF timer (106); and*

*a control processor (105), coupled to said measurement acquisition circuit (103) and said TSF timer (106) and configured to set at least one of a first (304), second (408) and third (432) Start Time respectively in the corresponding Measurement Request Frame (300), the Measurement Request Elements (305), and at least one Measurement Request (406), said first (304), second (408) and third (432) Start Time set to a value of the TSF timer (106) to indicate in increasing priority order.*

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUTAI KAO whose telephone number is (571)272-9719. The examiner can normally be reached on Monday ~Friday 7:30 AM ~5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571)272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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